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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/809,922 | 03/24/2004 | Anthony G. Macaluso | 13817-006001 | 6755 |
| 20985 | 7590 | 08/23/2006 | EXAMINER | |
| FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | SAMS, MATTHEW C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2617 | |

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------------|--|
| Office Action Summary | Application No. 10/809,922 | Applicant(s) MACALUSO, ANTHONY G. | |
| | Examiner Matthew C. Sams | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement filed on 3/16/2006 has been considered.

Response to Amendment

3. This office action is in response to the amendment filed on 6/13/2006.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 17, 21-24 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanctis et al. (US 2005/0131837 hereafter, Sanctis) in view of British Telecommunications (EP 1,309,153 A1 hereinafter, BT).

Regarding claim 1, Sanctis teaches a method for advertising on a mobile device comprising storing an advertisement on a mobile device (Fig. 2 [50, 52, 56, & 58]), initiating a wireless communication involving the mobile device (Fig. 2 [58]) and

presenting the advertisement on the mobile device during at least a portion of the wireless communication. (Fig. 3 and Page 6 [0044-0047]) Sanctis differs from the claimed invention by not explicitly reciting determining a time required to complete the wireless communication and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.

In an analogous art, BT teaches a process of downloading files where the time required to complete the wireless communication is determined and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time. (Col. 1 line 46 through Col. 2 line 14) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the system of Sanctis after modifying it to incorporate presenting advertisements in a timely manner of BT. One of ordinary skill in the art would have been motivated to do this since correlating the number of segments of requested data with the time required for downloading allows the advertising to be played at a convenient time, during the downloading process.

Regarding claim 2, Sanctis in view of BT teaches downloading the advertisement to the mobile device over a wireless interface. (Sanctis Fig. 1 [26] and Fig. 2 [58])

Regarding claim 3, Sanctis in view of BT teaches the wireless communication comprises a download of data to the mobile device. (Sanctis Fig. 3 [74] and Page 6 [0051])

Regarding claim 4, Sanctis in view of BT teaches the download of data comprises data used by an application running on the mobile device. (Sanctis Page 6 [0051])

Regarding claim 5, Sanctis in view of BT teaches the application comprises a Binary Runtime Environment for Wireless (BREW) application. (Sanctis Page 5 [0040])

Regarding claim 6, Sanctis in view of BT teaches the download of data comprises an application file. (Sanctis Page 6 [0051])

Regarding claim 7, Sanctis in view of BT teaches presenting the advertisement on the mobile device comprises presenting the advertisement during a delay period, with the delay period representing a time during which the download of data occurs. (Sanctis Page 8 [0114] and BT Col. 1 line 46 through Col. 2 line 14)

Regarding claim 17, Sanctis teaches an article comprising a machine-readable medium storing instructions causing one or more processors to perform operations (Fig. 1 [10, 11 & 13]) comprising receiving an indication of a wireless data communication involving a mobile device and presenting an advertisement on the mobile device during the wireless communication. (Fig. 2 [52, 56, 58] and Page 5 [0037]) Sanctis differs from the claimed invention by not explicitly reciting determining a time required to complete the wireless communication and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.

In an analogous art, BT teaches a process of downloading files where the time required to complete the wireless communication is determined and presenting the

stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time. (Col. 1 line 46 through Col. 2 line 14) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the system of Sanctis after modifying it to incorporate presenting advertisements in a timely manner of BT. One of ordinary skill in the art would have been motivated to do this since correlating the number of segments of requested data with the time required for downloading allows the advertising to be played at a convenient time, during the downloading process.

Regarding claim 21, Sanctis in view of BT teaches the indication of a wireless data communication is received from an application running on the mobile device. (Sanctis Fig. 3)

Regarding claim 22, Sanctis in view of BT teaches the application initiates the wireless data communication. (Sanctis Page 5 [0037-0038])

Regarding claim 23, Sanctis in view of BT teaches the wireless data communication involves data needed by the application to perform an operation requested by a user of the mobile device. (Sanctis Page 4 [0033-0035])

Regarding claim 24, Sanctis in view of BT teaches the application runs on a Binary Runtime Environment for Wireless platform. (Sanctis Page 5 [0040])

Regarding claim 34, Sanctis teaches a method of advertising on a mobile device comprising storing one or more advertisements on a mobile device (Fig. 2 [50, 52, 56, & 58]), initiating a wireless communication session involving the mobile device (Fig. 2 [58]), and presenting one or more of the advertisements on the mobile device during a

period of delay in the wireless communication session. (Fig. 3 and Page 6 [0044-0047]) Sanctis differs from the claimed invention by not explicitly reciting determining a time required to complete the wireless communication and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time.

In an analogous art, BT teaches a process of downloading files where the time required to complete the wireless communication is determined and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time. (Col. 1 line 46 through Col. 2 line 14) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the system of Sanctis after modifying it to incorporate presenting advertisements in a timely manner of BT. One of ordinary skill in the art would have been motivated to do this since correlating the number of segments of requested data with the time required for downloading allows the advertising to be played at a convenient time, during the downloading process.

Regarding claim 35, Sanctis in view of BT teaches comprising downloading an advertisement to the mobile device over a wireless interface. (Sanctis Fig. 1 [26], Fig. 2 [58] and BT Col. 2 lines 22-30)

Regarding claim 36, Sanctis in view of BT teaches presenting the advertisement on the mobile device comprises presenting the advertisement during a delay period, with the delay period representing a time during which the download of data occurs. (Sanctis Page 8 [0114] and BT Col. 1 line 46 through Col. 2 line 14)

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6. Claims 8-16, 18-20, 25 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanctis in view of BT as applied to claims 1, 17 and 34 above, and further in view of Hamano et al. (US 2002/0166127 hereafter, Hamano).

Regarding claim 8, Sanctis in view of BT teaches determining that the stored advertisement has expired and not showing the advertisement. (Sanctis Page 8 [0099-0101]) Sanctis in view of BT teaches notifying the operator (server) if the advertisement is not shown (Sanctis Page 8 [0101]), but differs from the claimed invention by not explicitly reciting sending a notification of the expiration in response to determining the ad expired.

In an analogous art, Hamano teaches a system and method for providing advertisements to a wireless terminal that includes determining if the advertisement has expired and updating the advertisement if required. (Fig. 2, Page 2 [0028] and Page 3 [0033]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the method of advertising of Sanctis in view of BT after modifying it to incorporate the checking of an expiration date and updated if required of Hamano. One of ordinary skill in the art would have been motivated to do this since it allows the viewer to see the most current and accurate advertisement available and eliminates false hopes that can occur if an expired ad is viewed. (Page 3 [0033])

Regarding claim 9, Sanctis in view of BT and Hamano teaches the notification comprises a request for a new advertisement. (Hamano Page 2 [0028] and Fig. 2)

Regarding claim 10, Sanctis in view of BT and Hamano teaches the stored advertisement has expired based on at least one of an expiration time and a number of times the advertisement is presented. (Hamano Page 2 [0028] and Page 3 [0033])

Regarding claim 11, Sanctis in view of BT and Hamano teaches the notification comprises a request for a new expiration time. (Hamano Page 3 [0032-0033])

Regarding claim 12, Sanctis in view of BT and Hamano teaches receiving a new advertisement in response to the notification. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

Regarding claim 13, Sanctis in view of BT and Hamano teaches receiving at least one of an expiration time for the new advertisement and an assigned number of times to present the new advertisement. (Hamano Fig. 2, Page 2 [0028], Page 3 [0032-0033] and Page 6 [Claim 12])

Regarding claim 14, Sanctis in view of BT and Hamano teaches displaying images and websites from the Internet (Hamano Page 1 [0009]), including through WAP connections (BT Col. 1 lines 3-11 and Page 2 [0005] "splash screen"), which would obviously enable the mobile device to view WBMP (wireless bitmap, WAP graphic format) files.

Regarding claim 15, Sanctis in view of BT and Hamano teaches displaying images and websites from the Internet (Hamano Page 1 [0009]) and the ability to display advertisements consisting of bitmaps comprising multiple frames shown in a sequential order. (BT Col. 1 line 49 through Col. 2 line 14)

Regarding claim 16, Sanctis in view of BT and Hamano teaches monitoring at least one of a number of times the stored advertisement is presented and a frequency that the stored advertisement is presented. (Hamano Page 6 [Claim 12])

Regarding claim 18, Sanctis in view of BT teaches determining that the stored advertisement has expired and not showing the advertisement. (Sanctis Page 8 [0099-0101]) Sanctis in view of BT teaches notifying the operator (server) if the advertisement is not shown (Sanctis Page 8 [0101]), but differs from the claimed invention by not explicitly reciting sending a notification of the expiration in response to determining the ad expired.

In an analogous art, Hamano teaches a system and method for providing advertisements to a wireless terminal that includes determining if the advertisement has expired and updating the advertisement if required. (Fig. 2, Page 2 [0028] and Page 3 [0033]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the method of advertising of Sanctis in view of BT after modifying it to incorporate the checking of an expiration date and updated if required of Hamano. One of ordinary skill in the art would have been motivated to do this since it allows the viewer to see the most current and accurate advertisement available and eliminates false hopes that can occur if an expired ad is viewed. (Page 3 [0033])

Regarding claim 19, Sanctis in view of BT and Hamano teaches the stored advertisement has expired based on at least one of an expiration time and a number of times the advertisement is presented. (Hamano Page 2 [0028] and Page 3 [0033])

Regarding claim 20, Sanctis in view of BT and Hamano teaches the notification comprises a request for a new expiration time (Hamano Page 3 [0032-0033]) and a request for a new advertisement. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

Regarding claim 25, Sanctis in view of BT and Hamano teaches receiving responses from the mobile terminals regarding purchasing requests (Sanctis Page 9 [0117]) and feedback information (Hamano Page 6 [0065]), which obviously motivates the service provider to create, maintain and analyze statistical information regarding success rates of advertisements because their success rate would be the best selling point for getting new customers. An example can be seen in Fig. 5 of Patent Application US 2002/0128908 to Levin et al.

Regarding claim 37, Sanctis in view of BT and Hamano teaches determining one or more of the stored advertisements have expired and sending a notification of the expiration in response to the determination. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

Regarding claim 38, Sanctis in view of BT and Hamano teaches the notification comprises a request for a new advertisement. (Hamano Page 2 [0028] and Fig. 2)

Regarding claim 39, Sanctis in view of BT and Hamano teaches the determination that the stored advertisement has expired is based on at least one of an expiration time and a number of times the advertisement is presented. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

7. Claims 26-28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanctis in view of Hamano and BT.

Regarding claim 26, Sanctis teaches a communication system comprising a wireless telecommunications network operable to support communications with mobile devices (Fig. 1 [8, 22, 26 & 30]), a central advertising server in communication with the wireless telecommunication network (Fig. 1 [12]) and adapted to store advertisements for presentation on mobile devices during wireless data communications that cause a delay on the mobile devices. (Fig. 1 [14, 16 & 18] & Page 8 [0114]) Sanctis teaches notifying the operator (server) if the advertisement is not shown (Page 8 [0101]), but differs from the claimed invention by not explicitly reciting receiving a request for a new advertisement.

In an analogous art, Hamano teaches receiving a request for a new advertisement from an advertising application on a mobile device, determining in a new advertisement is available and transmitting the new advertisement to the mobile device. (Fig. 2, Page 2 [0028] and Page 3 [0033]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the method of advertising of Sanctis after modifying it to incorporate receiving a request for a new advertisement of Hamano. One of ordinary skill in the art would have been motivated to do this since it allows the viewer to see the most current and accurate advertisement available and eliminates false hopes that can occur if an expired ad is viewed. (Page 3 [0033]) Sanctis in view of Hamano differs from the claimed invention by not explicitly

reciting the advertising application on a mobile device presents the new advertisement during the delay if the delay is longer than a threshold time.

In an analogous art, BT teaches a process of downloading files where the time required to complete the wireless communication is determined and presenting the stored advertisement on the mobile device during at least a portion of the wireless communication if the determined time is longer than a threshold time. (Col. 1 line 46 through Col. 2 line 14) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the system of Sanctis in view of Hamano after modifying it to incorporate presenting advertisements in a timely manner of BT. One of ordinary skill in the art would have been motivated to do this since correlating the number of segments of requested data with the time required for downloading allows the advertising to be played at a convenient time, during the downloading process.

Regarding claim 27, Sanctis in view of Hamano and BT teaches receiving responses from the mobile terminals regarding purchasing requests (Sanctis Page 9 [0117]) and feedback information (Hamano Page 6 [0065]), which obviously motivates the service provider to create, maintain and analyze statistical information regarding success rates of advertisements because their success rate would be the best selling point for getting new customers. An example can be seen in Fig. 5 of Patent Application US 2002/0128908 to Levin et al.

Regarding claim 28, Sanctis in view of Hamano and BT teaches the statistics relating to advertisements include at least one of a number of times the advertisements

have been presented on mobile devices, a number of presentations that have been assigned to mobile devices, a number of requested presentations for each advertisement and an expiration time for each advertisement. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

Regarding claim 30, Sanctis in view of Hamano and BT teaches the central advertising server (Sanctis Fig. 1 [10 & 12]) assigns an expiration time for the selected new advertisement and transmits the assigned expiration time to the mobile device. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

Regarding claim 31, Sanctis in view of Hamano and BT teaches the central advertising server is adapted to select the new advertisement according to a priority weighting procedure. (Hamano Page 4 [0042] & Page 6 [Claim 12])

Regarding claim 32, Sanctis in view of Hamano and BT teaches the priority weighting procedure relates to at least one of a remaining number of requested presentations for each advertisement and a time remaining until an expiration time for each advertisement. (Hamano Page 3 [0032-0033], Page 4 [0042] & Page 6 [Claim 12])

Regarding claim 33, Sanctis in view of Hamano and BT teaches the central advertising server (Sanctis Fig. 1 [10 & 12]) can determine if a new expiration time for a current advertisement is available if at least one new advertisement is not available and transmit a new expiration time for the current advertisement if a new expiration time for the current advertisement is available. (Hamano Page 2 [0028], Page 3 [0032-0033], page 4 [0042] & Page 6 [Claim 12])

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanctis in view of Hamano and BT as applied to claim 26 above, and further in view of Donian et al. (US 2004/0003398 hereafter, Donian).

Regarding claim 29, Sanctis in view of Hamano and BT teaches a method of advertising on mobile devices that includes an advertising server (Sanctis Fig. 1 [10 & 12]), but differs from the claimed invention by not explicitly reciting assigning a number of presentations for selected new advertisement and transmit the assigned number to the mobile device.

In analogous art, Donian teaches assigning a number of presentations for the selected advertisement and transmit the number to the mobile device. (Page 11 [0147]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the method of advertising on mobile devices of Sanctis in view of Hamano and BT after modifying it to incorporate the assignment of a number of viewings for the ad of Donian. One of ordinary skill in the art would have been motivated to do this since viewing the same ad multiple times can have the opposite effect and create a negative opinion about the advertised product.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 7, 14, 15, 17, 26, 34 and 36 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed 6/13/2006 have been fully considered but they are not persuasive.

In response to the applicant's argument regarding claim 8 that "'sufficiently current' does not necessarily mean the advertisements have expired" (Page 12 Para 3), the examiner disagrees.

It is the examiner's opinion that when Hamano states "sufficiently current" regarding the "three-day sale" example, it is obvious that the desired display time for the **advertisement has expired** because the local department store **does not want to display the advertisement during the sale**.

In response to the applicant's argument regarding claim 25 that "Sanctis and Hamano are silent as to maintaining statistical data relating to the advertisement" (Page 13-14), the examiner disagrees.

Regarding claim 25, Sanctis in view of BT and Hamano teaches receiving responses from the mobile terminals regarding purchasing requests (Sanctis Page 9 [0117]) and feedback information (Hamano Page 6 [0065]), which obviously motivates the service provider to create, maintain and analyze statistical information regarding success rates of advertisements because their success rate would be the best selling point for getting new customers. An example can be seen in Fig. 5 of Patent Application US 2002/0128908 to Levin et al.

In response to the applicant's argument regarding claims 27 and 28 that "the combination of Sanctis and Hamano fails to disclose tracking statistics", the examiner disagrees.

Regarding claim 27, Sanctis in view of Hamano and BT teaches receiving responses from the mobile terminals regarding purchasing requests (Sanctis Page 9 [0117]) and feedback information (Hamano Page 6 [0065]), which obviously motivates the service provider to create, maintain and analyze statistical information regarding success rates of advertisements because their success rate would be the best selling point for getting new customers. An example can be seen in Fig. 5 of Patent Application US 2002/0128908 to Levin et al.

Regarding claim 28, Sanctis in view of Hamano and BT teaches the statistics relating to advertisements include at least one of a number of times the advertisements have been presented on mobile devices, a number of presentations that have been assigned to mobile devices, a number of requested presentations for each advertisement and an expiration time for each advertisement. (Hamano Fig. 2, Page 2 [0028] and Page 3 [0032-0033])

In response to the applicant's argument regarding claim 29 that Donian fails to teach "assigning a number of presentations for the selected new advertisement; and transmit the assigned number to the mobile device", the examiner disagrees.

Donian states "the same block of ads plays with a particular portion of the content as the user skips back and forth through different parts of the title, over a predetermined period of time and/or **number of viewings**. If the **predetermined limit is exceeded**, the **player/viewer rotates in new ad blocks automatically**." (Page 11 [0147])

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS
8/17/2006



LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER